

STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WASTE MANAGEMENT COUNCIL

No. 05-09 WMC
(Nos. 05-09 WMC, 05-10 WMC, and
05-11 WMC Combined Appeal)

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JUN 16 2006

APPEAL OF REGENESIS CORPORATION
In Re Solid Waste Permit No. 04-010

REGENESIS CORPORATION'S MOTION FOR REHEARING

Pursuant to RSA 541:3 and Env-WMC 205.16, Regenesis Corporation ("Regenesis") respectfully moves for rehearing on the Council's written decision dated May 30, 2006, saying:

1. Regenesis is aggrieved by and objects to the Council's denial of Regenesis' Notice of Appeal dated July 25, 2005; by its refusal to reverse the revocation of permit that was the subject of that Notice of Appeal; and by its refusal to rule in Regenesis' favor on the specific issues that were raised in that Notice of Appeal, to the extent it so refused.

2. The basis for Regenesis' objections are as specified in its Notice of Appeal, its Brief dated December 20, 2005, and its Reply Brief dated January 17, 2006 — all of which are incorporated herein by reference.

3. Without limiting the generality of the preceding two paragraphs, Regenesis is aggrieved by and objects to following:

3.1 The Council's upholding the Hearing Officer's determination on the so-called dissolution issue (a) despite the fact that Mr. Dell'Orfano in fact disclosed that Bio Energy Corporation ("BEC") was in dissolution — through his disclosure to the Attorney General's Office, the DES's agent in this context, that BEC was "winding up," which is a statutory term concerning dissolution; and (b) despite the fact that he did so even though the rules relating to Type IV Permit Modifications do not require such a disclosure.

3.2 The Council's upholding the Hearing Officer's imposition of the sanction of revocation of permit despite the fact that it is unconstitutionally excessive and disproportionate — and is all the more so in light of the Council's disagreement with the Hearing Officer's conclusion that RSA 149-M:9 and related rules apply to "former" officers and directors.

3.3 The Council's upholding certain of the Hearing Officer's findings and rulings that were unnecessary to the determination of the "Violations Alleged" and that should, therefore, have been vacated, and have no precedential or binding effect.

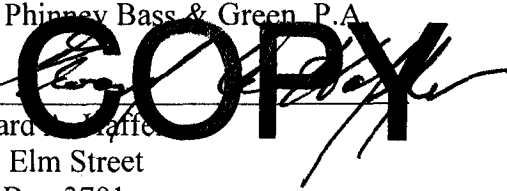
4. The basis for Regensis' objections in ¶3, above, are as specified in its Notice of Appeal, its Brief, and its Reply Brief — again, all of which are incorporated herein by reference.

5. Regensis does not seek to present new evidence.

6. Regensis seeks the following relief: (a) reversal of the revocation of permit; (b) reversal of the ruling on the dissolution issue; and (c) a ruling to the following effect: "To the extent that the Hearing Officer's Decision incorporates findings and rulings that were unnecessary to the determination of the 'Violations Alleged,' those findings and rulings are vacated, and have no precedential or binding effect."

Respectfully submitted,
REGENESIS CORPORATION,
By its Attorneys,
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Dated: June 16, 2006

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CERTIFICATE OF SERVICE

I certify that copies of the foregoing were mailed this date to the Service List.

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